

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Petition of FairPoint Communications for Limited Waiver
WC Docket No. 10-90

DECLARATION OF MICHAEL HARRINGTON

The undersigned declares as follows:

1. My name is Michael Harrington and I am employed by FairPoint Communications, Inc. ("FairPoint") as its Senior Director- Engineering and Operations with responsibilities for serving areas which include Peoples Mutual Telephone Company in the Commonwealth of Virginia, and I have personal knowledge of the facts set forth below.
2. In my geographic areas of responsibility, my organization evaluated locations which would qualify for CAF Phase I incremental support offered in Round 2 of the program. My understanding was the Federal Communications Commission ("FCC") offered price cap carriers incremental support in two different amounts for broadband deployment to unserved locations.¹ First, carriers accepting this support committed to deploy broadband to the number of unserved locations, equal to the amount accepted divided by \$775. Second, if the carrier committed to deploy to all eligible locations that could economically be served with \$775 in support plus \$775 in non-CAF capital expenditure by the carrier and additional funding was made available to that carrier by the Commission, the carrier could accept additional support if

¹ My understanding is that a location was deemed "unserved" if it was shown on the then-current version of the National Broadband Map ("NBM") as unserved by fixed Internet access with speeds of at least 768 kbps downstream and 200 kbps upstream. 47 C.F.R. §54.312(c)(2).

it committed to deploy broadband to additional, “underserved” locations,² in a minimum number equal to the remaining incremental support accepted divided by \$550.

3. I reviewed the requirements of the program with engineers responsible for evaluating the serving areas for which I had responsibility. All of the analysis done under my direction and control resulted in identifying locations and their related census blocks correctly with the exception of those identified in the Commonwealth of Virginia. Due to a misunderstanding of the FCC’s requirements, the FairPoint employee responsible for the Virginia location analysis improperly associated locations with the census block number of the *serving nodes of the locations*, rather than with the census block numbers which contained the locations themselves. This resulted in 1027 locations being associated with incorrect census blocks. Those locations were actually located in 185 census blocks not originally reported to the FCC when CAF 1 Round 2 funding was originally accepted. This error was not identified at the time of election.

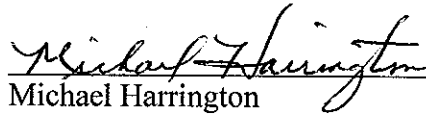
4. Construction to the all of locations was completed by the program deadline of January 10, 2017. The error in the census blocks of the 1027 locations was not identified until after the September 30, 2016 audit inquiry from USAC questioned the census blocks associated with those locations. When USAC questioned the census blocks submitted for the 1027 locations in question, my organization reexamined the data submitted to the FCC, USAC and the Commonwealth of Virginia and discovered the inadvertent census block error. In that examination, it was also discovered that latitude and longitude of 27 of the locations submitted

² In this context, an “underserved” locations would be locations with fixed Internet access but without speeds of at least 3 Mbps downstream and 768 kbps upstream.

needed to be corrected.³ In addition, some the locations required a change in the wire center reported.

5. In my organization's internal investigation FairPoint also determined that *none* of the locations to which it deployed broadband in Virginia using CAF Phase I, Round 2 support were actually "served" within the meaning of the FCC's rule. Moreover, the 185 census blocks that were not properly vetted in advance through the challenge process include only locations initially identified for broadband deployment by FairPoint in 2013, based on FairPoint's good faith belief at that time that they were, in fact, "unserved" within the meaning of the Commission's rules.

Dated this 29th day of March, 2017.


Michael Harrington
Senior Director – Engineering and Operations
FairPoint Communications
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³ These locations with latitude and longitude corrections are within the 185 census blocks not originally identified